

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING
WEDNESDAY, JULY 6, 2016
LEGISLATIVE CHAMBER, ROOM 314
TOWN HALL, WEST HARTFORD, CT 06107**

DRAFT MINUTES

CALL TO ORDER/ROLL CALL: 7:00 P.M.

ATTENDANCE: Chair: Kevin Ahern; Commissioners: Michele Maresca and John O'Donnell; Alternates: Mishone Donelson and Gordon Binkhorst; Staff: Todd Dumais, Town Planner/TPZ Secretary; Catherine Dorau, Associate Planner; Patrick Alair, Deputy Corporation Counsel; Kimberly Boneham, Assistant Corporation Counsel

ABSENT: Vice Chair: Kevin Prestage; Commissioner: Michael Seder; Alternate: Liz Gillette

MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.

MINUTES:

Approval of Minutes:

- a. Minutes of the Regular Meeting, Monday, June 6, 2016.
Motion/O'Donnell; Second/Maresca; Vote: 3-0; Voting: Ahern, Maresca, O'Donnell

COMMUNICATIONS:

2. a. Town Council Resolution Authorizing the Purchase of the University of Connecticut – West Hartford Campus Property - *Received*
b. Request for postponement (Sheldon Crosby) of public hearing for SUP#1293 from July 6th, 2016 to the TPZ's next regularly scheduled meeting. *Motion to Accept and Postpone the Public Hearing to 8.1.16. Motion/Maresca; Second/O'Donnell; Vote: 5-0 (Donelson seated for Prestage; Binkhorst seated for Seder).*

NEW BUSINESS:

3. **37 LaSalle Road - McLadden's Irish Publick House** - Application (SUP #1189-R1-16) of Michael Ladden, Owner of McLadden's Irish Publick House (Lexham Street Retail, LLC, R.O. of property know as 25-43 LaSalle Road) requesting Special Use Permit approval to amend SUP #1189 to increase the outdoor dining seating capacity from eight (8) seats to fourteen (14). The dimensions and fencing of the outdoor dining area are to remain the same as originally approved. (Submitted for TPZ receipt on July 6, 2016. Suggest required public hearing be scheduled for August 1, 2016.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5-0)** (Motion/Donelson; Second/O'Donnell) (Donelson seated for Prestage) (Binkhorst seated for Seder) to schedule this matter for public hearing on Monday, August 1, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

4. **139 (aka 137) North Main Street (American School for the Deaf)**- Application (SUP #1125-R1-16) of the American School for the Deaf (Thomas Wood) requesting Special Use Permit approval to operate a Nursery program (Tiger Cubs Nursery Program) with a licensed capacity of a maximum of fifty-three (53) children. (Submitted for TPZ receipt on July 6, 2016. Suggest required public hearing be scheduled for August 1, 2016.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5-0)** (Motion/O'Donnell; Second/Maresca) (Donelson seated for Prestage) (Binkhorst seated for Seder) to schedule this matter for public hearing on Monday, August 1, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

5. **1344 New Britain Avenue (aka 8 and 10 Berkshire Road)** - Application (IWW #1046) of NB Asset Management, LLC, Brandon Handfield, P.E., (Eleanore M. Leary Estate, c/o John Leary III, R.O.) seeking approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The applicant seeks to construct two (2) single-family homes as part of a proposed subdivision. The two lots are located across the street (New Britain Avenue) from Wolcott Park which is identified as wetland soils per the Town map. One of the driveways and part of the site development for both homes falls within the 150 ft. upland review area. (Submitted for IWWA receipt on July 6, 2016. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **unanimous vote (4 -0)** (Motion/O'Donnell; Second/Donelson) (Donelson seated for Prestage) (Binkhorst seated for Seder) (Maresca recused herself) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on Monday,

August 1, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

6. **1344 New Britain Avenue (aka 8 and 10 Berkshire Road)** - Application (SUB #297) of NB Asset Management, LLC, Brandon Handfield, P.E., (Eleanore M. Leary Estate, c/o John Leary III, R.O.) requesting approval of a four (4) lot residential subdivision on .96 acres of land in a R-6 single family zone. (Submitted for TPZ receipt on July 6, 2016. Suggest public hearing be scheduled for August 1, 2016.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (4-0)** (Motion/O'Donnell; Second/Donelson) (Donelson seated for Prestage) (Binkhorst seated for Seder) (Maresca recused herself) to schedule this matter for public hearing on Monday, August 1, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

7. **114 Waterside Lane-** Application (IWW #1047) of Haz-Pros, Inc., Clayton Kilbourn, President, (Linda Goldfarb, R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area (Wood Pond). The applicant proposes to install an in-ground salt water pool approximately 22' x 36' with a waterfall feature and encircling masonry paver patio and walk. The proposed activity is within the 150 ft. upland review area. (Submitted for IWWA receipt on July 6, 2016. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **majority vote (5-0)** (Motion/O'Donnell; Second/Binkhorst) (Donelson seated for Prestage) (Binkhorst seated for Seder) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on Monday, August 1, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

OLD BUSINESS SCHEDULED FOR PUBLIC HEARING AND DECISION ON JULY 6, 2016:

8. **701 Farmington Avenue (Educational Playcare)** - Application (SUP # 1259-R1-16) of Educational Playcare (Congregation Beth Israel, R.O.) requesting TPZ review of compliance with the conditions of SUP #1259 approved on July 2, 2014 to operate a daycare with a licensed capacity of one hundred seventy-seven (177) students. (Submitted for TPZ receipt on June 6, 2016. Required public hearing scheduled for July 6, 2016.)

The TPZ by **unanimous vote (5-0)** (Motion/O'Donnell; Second/Binkhorst) (Donelson seated for Prestage) (Binkhorst seated for Seder) determined that the Special Use Permit did not require additional conditions of approval.

9. **701 Farmington Avenue (Educational Playcare)** - Application (SUP #1259-R2-16) of Educational Playcare (Congregation Beth Israel, R.O.) seeking Special Use Permit approval to increase capacity at the daycare facility from one hundred seventy-seven (177) students to one hundred ninety-seven (197) students. (Submitted for TPZ receipt on June 6, 2016. Required public hearing scheduled for July 6, 2016.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Maresca; Second/O'Donnell) (Donelson seated for Prestage) (Binkhorst seated for Seder) to **APPROVE** this application with conditions. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. The Applicant shall provide the Town Planner with a copy of a fully executed parking lease agreement for twenty-five (25) off-site parking spaces annually or as may be renewed. Should the twenty-five (25) off-site parking spaces become unavailable, the capacity of the daycare shall be reduced to 177 children.
3. Pursuant to West Hartford Code of Ordinances Section 177-42A(8), the applicant shall return to the TPZ by July 2018 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.

10. **72 Hillsboro Drive** - Application (IWW #1044) of Deborah E. Beach, (Tom Daly, P.E., Contact) requesting approval of an Inland Wetlands and Watercourses Permit to conduct

certain regulated activities which may have an adverse impact on a watercourse (Hunter Brook). The applicant proposes to install 6" sewer lateral in order to provide sanitary sewer service to the existing home and make associated site improvements. All construction will conform to the MDCs standard requirements and specifications (Submitted for IWWA receipt on June 6, 2016. Determined to be potentially significant and scheduled for required public hearing on July 6, 2016.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous vote (5-0)** (Motion/Donelson; Second/O'Donnell) (Donelson seated for Prestage) (Binkhorst seated for Seder) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

72 HILLSBORO DRIVE
INLAND WETLAND APPLICATION IWW #1044
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at **72 Hillsboro Drive** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1044** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

[1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application. To support this action, the applicant's professional wetland and soil scientist, William Root of Milone and MacBroom, Inc. has submitted a report dated May 24, 2016.

[2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;

[3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel of land is located **72 Hillsboro Drive.**

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.
- 3.) The permit shall expire if not exercised within two (2) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

12. **Work in the Right-of-Way of Whitman Avenue and Braeburn Road, Generally Adjacent to 47 and 200 Whitman Avenue and 45 Braeburn Road (Braeburn Culvert) -** Application (IWW #1045) of Town of West Hartford (Duane Martin, Town Engineer) seeking approval of an Inland Wetlands and Watercourses Permit to repair the drainage culvert conveying Trout Brook under Braeburn Road/Whitman Avenue. (Submitted for IWWA receipt on June 6, 2016. Determined to be potentially significant and scheduled for required public hearing on July 6, 2016).

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous vote (5-0)** (Motion/Maresca; Second/O'Donnell) (Donelson seated for Prestage) (Binkhorst seated for Seder) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

WORK IN THE RIGHT-OF-WAY OF WHITMAN AVENUE AND BRAEBURN ROAD, GENERALLY ADJACENT TO 47 & 200 WHITMAN AVENUE AND 45 BRAEBURN RD
INLAND WETLAND APPLICATION IWW #1045
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities at the **Right-of-Way of Whitman Avenue and Braeburn Road, Generally Adjacent to 47 and 200 Whitman Avenue and 45 Braeburn Road** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1045** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section

10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

[1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application. To support this action, the applicant's professional wetland and soil scientist, Michael S. Klein of Environmental Planning Services, LLC has submitted a report dated March 24, 2016.

[2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;

[3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel of land is located at the **Right-of-Way of Whitman Avenue and Braeburn Road, generally adjacent to 47 and 200 Whitman Avenue and 45 Braeburn Road.**

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as may be amended.

- 3.) The permit shall expire if not exercised within two (2) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

13. **75 Isham Road (World of Beer)** - Application (SUP #1254-R2-16) of SOF-IX Blueback Square Holdings, LP and applicant West Hartford WOB, LLC seeking approval to amend SUP #1254 to increase the outdoor dining seating capacity from twelve (12) seats to twenty-two (22) seats. (Submitted for TPZ receipt on June 6, 2016. Required public hearing scheduled for July 6, 2016.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)** (Motion/Donelson; Second/Maresca) (Donelson seated for Prestage) (Binkhorst seated for Seder) to **APPROVE** this application with conditions.

During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
 - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
 - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. The approved outdoor dining plan, including seating, table and fencing layout, shall be included in the daily operations and management plan for the restaurant and kept onsite.
3. Pursuant to West Hartford Code of Ordinances Section 177-42A(8), the applicant shall return to the TPZ by July 2017 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified

OLD BUSINESS- PUBLIC HEARING AND DECISION RESCHEDULED FOR JULY 6, 2016:

14. **75 Isham Road (World of Beer)** - Application (SUP #1254-R1-16) of SOF-IX Blueback Square Holdings, LP and applicant West Hartford WOB, LLC, requesting TPZ review of compliance with the conditions of SUP #1254 approved June 2, 2014 to authorize a 12-seat outdoor dining area. (Submitted for TPZ receipt on May 2, 2016. Required public hearing scheduled for June 6, 2016. Item opened and immediately continued to July 6, 2016.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)** (Motion/O'Donnell; Second/Maresca) (Donelson seated for Prestage) (Binkhorst seated for Seder) to require the following additional condition:

1. The approved outdoor dining plan, including seating, table and fencing layout, shall be included in the daily operations and management plan for the restaurant and kept onsite.

TOWN COUNCIL REFERRALS AND REQUEST FOR REPORTS:

15. **Ordinance- Amending the Administrative Approval Process for Special Development Districts**- Town Council Ordinance Amending the Administrative Approval Process applicable to Special Development Districts. (Town Council receipt on June 14, 2016. TPZ receipt on July 6, 2016.) ***TPZ Recommended approval. Motion:Maresca; Second:O'Donnell. Vote: 5-0. (Donelson seated for Prestage; Binkhorst seated for Seder).***
16. **Ordinance- Solar Energy Systems** - Resolution extending the original six (6) month moratorium on the approval of ground-mounted and pole-mounted Solar Energy Systems in Residential Zones. This extended moratorium will allow for further review of Section 177-37.3 of the West Hartford Code of Ordinances to determine if further restrictions should be required. ***TPZ Recommended approval. Motion:Binkhorst; Second:Donelson. Vote: 5-0. (Donelson seated for Prestage; Binkhorst seated for Seder).***

TOWN PLANNER'S REPORT:

17. New Park Avenue Transit Area Complete Streets Study Update: Workshop #2. ***Received by TPZ.***
18. CRCOG – West Hartford Road Diet and Safety Study – Update. ***Received by TPZ.***

INFORMATION ITEMS:

REMINDER OF FUTURE TPZ REGULAR AND SPECIAL MEETINGS:

- TPZ Regular Meeting, Monday, August 1, 2016 @ 7:00 P.M.
- TPZ Regular Meeting, Wednesday, September 7, 2016 @ 7:00 P.M.

- TPZ Regular Meeting, Wednesday, October 5, 2016 @ 7:00 P.M.

ADJOURNMENT: Motion/Maresca; Second/O'Donnell (5-0). (Donelson seated for Prestage; Binkhorst seated for Seder). Meeting adjourned at 10:05 PM

“Any individual with a disability who needs special assistance to participate in the meeting should contact Social Services Department, 860.561.7561, five days prior to the meeting.”

U: shareddocs/TPZ/Minutes//2016/July 6 FinalMinutes